

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REGINALD FULLARD, )  
                        )  
                        )  
Petitioner,         )  
                        )  
                        )  
v.                     )         1:19CV281  
                        )  
                        )  
ROY COOPER,         )  
                        )  
                        )  
Respondent.         )

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on March 27, 2019, was served on the parties in this action. (ECF Nos. 2, 3.) No objections were filed within the time prescribed by §636.

The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is construed as a habeas petition under 28 U.S.C. § 2254 and is DISMISSED *sua sponte* without prejudice to Petitioner filing a new Petition which corrects the defects of the current Petition. The new Petition must be accompanied by either the five-dollar filing fee or a current application to proceed *in forma pauperis*.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 24<sup>th</sup> day of April 2019.

/s/ Loretta C. Biggs  
United States District Judge